

REMARKS

Reconsideration and withdrawal of all grounds of rejection contained in the Office Action are respectfully requested in light of the above amendments and the following remarks. Base claims 1 and 6 have been amended, no new matter has been added. Claims 1-6 are pending herein.

Applicant respectfully notes that an embedded hyperlink or the term “rstp” cannot be found in the specification, as indicated in the Office Action. Accordingly, removal of these objections is respectfully requested.

The disclosure was objected to for informalities. Applicants gratefully acknowledge the Office Action’s suggestion to add section headings to the specification (under 37 CFR 1.77(b), however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a).

Such section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant’s use. They are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

"Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77."

Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75.

A later amendment to 37 CFR 1.77 (65 FR 54628)

<http://www.uspto.gov/web/offices/com/sol/notices/patbusgoals.pdf> does not change this.

Claims 1-6 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Sparks et al. (U.S. 6,298,385). Claims 2 and 4 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over by Sparks et al. in view of Wynblatt et al. (U.S. 6,546,421).

Base claim 1 has been amended to recite (*inter alia*): ...wherein the data stream conversion means are included, which means are adapted to convert the data stream information having a first compression or content format retrieved from the data stream information source into an adapted data stream information having a second compression or content format adapted to the processing capabilities of the retrieval device, the processing capabilities of the retrieval device being specified by mode information included or specified in the retrieval information ... Base claim 6 recites similar limitations.

Applicants respectfully submit that Sparks and Wynblatt, alone or in combination, does not disclose, suggest, or provide an apparatus wherein a data stream having a first compression or content format is converted into an adapted data stream having a second compression or content format.

Although, Sparks teaches that a processor identifies which format the file has been created in," this is relates to transmission formats (e.g. 14,4 baud or 28.8 baud modem formats), and that copies of the file are created in different transmission formats. Sparks does not teach conversion or adapted data streams having different compression or content formats, such as Real Audio, MP3, JPG, BMP, HDTV, etc., as provided in the present invention.

Accordingly, it is respectfully submitted that at least for the reasons indicated above, instant base claims 1 and 6 are patentable. With regard to the rejection under 35 U.S.C. §102(b), the Court of Appeals for Federal Circuit has held that:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In the present application, it is respectfully submitted that Sparks and Wynblatt, alone or in combination fails to disclose each and every element as set forth in base claims 1 and 6. Nor would a person of ordinary skill in the art have found any of the instant claims obvious in view of Sparks and Wynblatt, alone or in combination.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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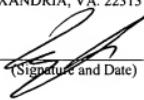
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(Name of Registered Rep.)


(Signature and Date)

IN THE DRAWING

As required by the Examiner, Applicants submit herewith proposed changes to the Drawing. The changes are in the form of a red ink sketch. Upon approval by the Examiner ad upon issuance of a Notice of Allowance, Applicants will make these changes formal.